

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

ADAM SOMMER,

Defendant.

8:04CR206

ORDER

This matter is before the court on the motion of Jerry M. Hug to withdraw as counsel for defendant Adam Sommer (Sommer) (Filing No. 289). The motion contained a handwritten motion by Sommer requesting new counsel. The government filed an objection to the motion (Filing No. 290).

The court held a hearing on the motion on June 22, 2005. Mr. Hug was present with Sommer and the government was represented by Assistant U.S. Attorney Robert F. Cryne. The court heard Sommer and Mr. Hug in camera. The court also heard the parties on the record in open court. While the government's objection relates more to an objection to a continuance of the trial of this matter, the gist of Mr. Hug's motion does not seek such a continuance. The court must determine whether Mr. Hug adequately has and will represent Sommer in the balance of these proceedings. Mr. Hug is exceptionally familiar with the evidence and witnesses to be presented in this case. He is an outstanding advocate and has represented numerous defendants in federal criminal proceedings. The court is familiar with Mr. Hug's advocacy as a result of the pretrial proceedings in this case and finds that Mr. Hug has performed in an able and competent manner. The fact that Sommer is dissatisfied with Mr. Hug as a result of Sommer's related conviction in Douglas County District Court for first-degree murder and other charges, does not render Mr. Hug inadequate. While Sommer may wish to be represented by other counsel, the court finds Mr. Hug to be providing adequate representation of Sommer and the motion should be denied.

IT IS ORDERED:

The motion to withdraw (Filing No. 289) incorporating Sommer's motion to withdraw is denied.

DATED this 22nd day of June, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge